

increase under the final rule will raise the total amount of fees assessed annually by less than \$1,000. In view of the small increase in anticipated costs, the PBGC certifies that the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), does not apply because the rule will not have a significant economic impact on a substantial number of small entities.

#### List of Subjects in 29 CFR Part 2607

##### Privacy.

For the reasons set forth above, the PBGC is amending 29 CFR Part 2607 as follows:

### **PART 2607—DISCLOSURE AND AMENDMENT OF RECORDS UNDER THE PRIVACY ACT**

1. The authority citation for Part 2607 continues to read as follows:

Authority: 5 U.S.C. 552a.

2. Paragraph (a) of § 2607.1 is amended by removing “which” and adding, in its place, “that” and by adding “or her” after “his” in the first sentence.

3. In § 2607.2, is amended by adding “or her” after “his” both times it appears.

4. Sections 2607.3 (a) and (c), 2607.4 (a) and (c), 2607.5(a), 2607.6(c), 2607.7 (b) and (c), and 2607.8 (b) and (c) and the introductory text of § 2607.9 are amended by adding “or her” after “his” and after “him” each time either “his” or “him” appears.

5. The second sentence of § 2607.3(b), the second sentence of § 2607.4(b), and the third sentence of § 2607.6(b) are amended by removing “he” and adding, in its place, “the disclosure officer”.

6. Paragraph (d) of § 2607.4 is amended by adding “or she” after “he”.

7. Paragraph (b) of § 2607.5 is amended by removing “his choosing” and adding, in its place, “his or her choosing”; by removing “he shall” and adding, in its place, “the requestor shall”; by removing “he wishes” and adding, in its place, “he or she wishes”; by removing “accompany him” and adding, in its place “accompany him or her”; by removing “his record” and adding, in its place, “the record”; and by removing “to him” and adding, in its place, “to him or her”.

8. Paragraph (d) of § 2607.8 is amended by removing “If an individual requests” and adding, in its place, “To request”; by removing “review, he” and adding, in its place, “review, an individual”; and by removing “Counsel and he” and adding, in its place, “Counsel, who”.

9. Paragraph (a) of § 2607.9 is amended by removing “\$0.10” and

adding, in its place, “\$0.15” in the first sentence and by removing “\$1.00” and adding, in its place, “\$1.50” in the second sentence.

10. In § 2607.10, the first paragraph is amended by adding “Security Investigation” after “Personnel” and by removing “that the identity of the source would be held in confidence” both times it appears and adding, in its place, “of confidentiality”; and the second paragraph is amended by removing “for employment” and adding, in its place, “and fitness for PBGC employment, access to information, and security clearances” and by adding “the” before “PBGC”.

Issued in Washington, DC this 26th day of December 1995.

Martin Slate,

*Executive Director, Pension Benefit Guaranty Corporation.*

[FR Doc. 95-31526 Filed 12-28-95; 8:45 am]

BILLING CODE 7708-01-P

### **DEPARTMENT OF DEFENSE**

#### **Office of the Secretary**

#### **32 CFR Part 169a**

[DoD Instruction 4100.33]

#### **Commercial Activities Program Procedures**

**AGENCY:** Office of the Secretary of Defense, DoD.

**ACTION:** Final rule.

**SUMMARY:** This part removes the requirement to place every DoD employee in a comparable position prior to converting a function with 10 full time equivalents or less to contract, sets maximum study times for cost comparisons, removes the requirement to make congressional reports only when Congress is in session, and makes minor administrative corrections. It also establishes procedures and criteria for use by DoD Components to determine whether DoD commercial activities should be performed by DoD personnel in-house or by contract with commercial sources.

**EFFECTIVE DATE:** June 12, 1995.

**FOR FURTHER INFORMATION CONTACT:** Earl DeHart, Program Manager, 400 Army/Navy Drive, Suite 206, Arlington, Virginia 22202-2884.

**SUPPLEMENTARY INFORMATION:** On January 4, 1995, the Department of Defense published a proposed amendment to 32 CFR part 169a in the Federal Register (60 FR 417) bringing DoD guidance on commercial activities up-to-date. No comments were received

from the private sector. Some changes were recommended by DoD Components and most were incorporated. It has been certified that this final rule is not a significant regulatory action. The rule does not:

(1) Have an annual effect on the economy of \$100 million or more adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; planned by another agency;

(2) Create a serious inconsistency or otherwise interfere with an action taken or

(3) Materially alter the budgetary impact of entitlements grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866. Further, it has been certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because the Services and Department agencies administering the rule will show a reduction in administrative costs and other burdens resulting from the simplification and clarification of direct conversion policies when this proposed rule is issued as a final rule. Finally, it has been certified that this proposed rule does not impose any additional reporting or record keeping requirements prohibited under the Paperwork Reduction Act of 1980.

#### List of Subjects in 32 CFR Part 169a

Armed forces, Government procurement.

Accordingly, 32 CFR Part 169a is amended as follows:

### **PART 169A—COMMERCIAL ACTIVITIES PROGRAM PROCEDURES**

1. The authority citation for Part 169a continues to read as follows:

Authority: 5 U.S.C. 301 and 552.

2. Subpart B—Procedures is amended by adding a § 169a.19 to read as follows:

#### **Subpart B—Procedures—[Amended]**

##### **§ 169a.19 Study limits.**

No DoD funds shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 48 months after initiation of such study for a multi-function activity.

3. Section 169a.21 is amended in paragraph (a) by removing “DD-P&L

1540" and adding in its place "DD-A&T(A) 1540", paragraph (b) by removing "DD-P&L 1542" and adding in its place "DD-A&T(Q) 1542", paragraph (c)(3) and the first sentence in paragraph (c)(5) by removing "when in session", paragraph (c)(3) by removing "ASD(P&L)" adding in its place "ASD(ES)"; by revising paragraph (c) introductory text; and by adding a sentence at the end of paragraph (c)(2) to read as follows:

**§ 169a.21 Reporting requirements.**

(c) Congressional Data Reports on CA (Report Control Symbol DD-A&T(A&AR) 1949) and Reports on savings on Costs from Increased Use of DoD Civilian Personnel (Report Control Symbol DD-A&T(AR) 1950). To insure consistent application of the requirements stated in 10 U.S.C. 2461 and 2463, the following guidance is provided:

(2) \* \* \* 10 U.S.C. 2463 applies to conversions from contract to in-house involving 50 or more contractor employees.

4. Appendix B to Part 169a is amended by revising sections A.1. and A.2., by removing section A.3. and redesignating sections A.4. and A.5. as A.3. and A.4., respectively, and in newly redesignated A.4. is by removing the word "or" the second time it appears and adding in its place "of."

Appendix B to Part 169a—[Amended]

Appendix B to Part 169a—Commercial Activities Inventory Report and Five-Year Review Schedule

A. \* \* \*

1. Forward your inventory report before January 1 to the Director, Installations Management, 400 Army Navy Drive, Room 206, Arlington, VA 22202-2884. Use Report Control Symbol "DD-A&T(A) 1540" as your authority to collect this data.

2. Transmit by use of floppy diskette. Data files must be in American Standard Code Information Interchange text file format on a MicroSoft-Disk Operating System formatted 3.5 inch floppy diskette. Provide submissions in the Defense Utility Energy Reporting System format as specified below.

5. Appendix C to Part 169a is amended in sections C.6. and C.7.a.(4) by removing "room 3E787" and adding in its place "room 3E813"; section C.8. removing "Public Law 102-172" and adding in its place "Public Law 103-139"; by revising section B.4. adding

section B.5. and a heading to section C.8. to read as follows:

Appendix C to Part 169a—[Amended]

Appendix C to Part 169a—Simplified Cost Comparison and Direct Conversion of CAs

\* \* \* \* \*

B. \* \* \*

4. The installation commander should attempt to place or retrain displaced DoD civilian employees by

a. Placing or retraining employees in available permanent vacant positions, or

b. Assigning displaced employees to valid temporary or over-hire positions in similar activities for gainful employment until permanent vacancies are available. The type of employee appointment (e.g., career, career-conditional, etc., or change from competitive to excepted service or vice versa) must not change, or

c. Where no vacancies exist or are projected, offer employees retraining opportunities under the Job Training Partnership Act or similar retraining programs for transitioning into the private sector.

5. The function to be directly converted does not include any DoD civilian positions that were as a result of DoD Component streamlining plans and/or were removed with buyout offers that satisfied Section 5 of the Federal Workforce Restructuring Act requirements.

C. \* \* \*

8. Most Efficient and Cost-Effective Analysis for Contractor Performance of an Activity (Report Control Symbol DD-A&T(AR) 1951.\* \* \*

6. Appendix D to Part 169a is amended by revising the second paragraph of the introductory text, by revising DoD Component code "Y" under the heading CAMIS ENTRY AND UPDATE INSTRUCTIONS, Part I, Section One, item [3] and by adding two new entries at the end of that item [3]; by revising items [4] and [5] under the heading CAMIS ENTRY AND UPDATE INSTRUCTIONS, Part I, Section One; by revising DoD Component code "Y" under the heading CAMIS ENTRY AND UPDATE INSTRUCTIONS, Part II, Section One, item [3] and by adding two new entries at the end of that item [3]; and by revising items [4] and [5] under the heading CAMIS ENTRY AND UPDATE INSTRUCTIONS, Part II, Section One, to read as follows:

Appendix D to Part 169a—[Amended]

Appendix D to Part 169a—Commercial Activities Management Information System (CAMIS)

\* \* \* \* \*

On approval of a full cost comparison, a simplified cost comparison, or a direct conversion CA, the DoD Component shall create the initial entry using the data elements in part I for full cost comparisons and data elements in part II for all other conversions. Within 30 days of the end of each quarter the DoD Component shall submit a floppy diskette. Data files must be in American Standard Code Information Interchange text file format on a MicroSoft-Disk Operating System formatted 3.5 inch floppy diskette. Provide submissions in the Defense Utility Energy Reporting System format. The data shall be submitted in the Director, Installations Management (D,IM), 400 Army Navy Drive, Room 206, Arlington, VA 22202-2884 at least 60 days prior to the end of the quarter. The D,IM shall use the automated data to update the CAMIS. If the DoD Component is unable to provide data in an automated format, the D,IM shall provide quarterly printouts of cost comparison records (CCR) and conversion and/or comparison records (DCSCCR) that may be annotated and returned within 30 days of the end of each quarter to the D,IM. The D,IM then shall use the annotated printouts to update the CAMIS.

\* \* \* \* \*

CAMIS Entry and Update Instructions

Part I \* \* \*

Section One \* \* \*

[3] \* \* \*

Y—On Site Inspection Agency (OSIA)

2—\* \* \*

3—\* \* \*

4—Defense Technical Information Center (DTIC)

5—U.S. Army Corps of Engineers (USACE) Civil Works

[4] Command code. The code established by the DoD Component headquarters to identify the command responsible for operating the commercial activity undergoing cost comparison.

[5] Installation code. The code established by the DoD Component headquarters to identify the installation where the CA(s) under cost comparison is and/or are located physically. Two or more codes (for cost comparison packages encompassing more than one installation) should be separated by commas.

\* \* \* \* \*

CAMIS Entry and Update Instructions

Part II \* \* \*

Section One \* \* \*

[3] \* \* \*

Y—On Site Inspection Agency (OSIA)

2—\* \* \*

3—\* \* \*

4—Defense Technical Information Center (DTIC)

5—U.S. Army Corps of Engineers (USACE) Civil Works

[4] Command code. The code established by the DoD Component headquarters to identify the command responsible for operating the commercial activity undergoing cost comparison.

[5] Installation code. The code established by the DoD Component headquarters to identify the installation where the CA(s) under cost comparison is and/or are located physically. Two or more codes (for cost comparison packages encompassing more than one installation) should be separated by commas.

\* \* \* \* \*

Dated: December 21, 1995.

L.M. Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 95-31346 Filed 12-28-95; 8:45 am]

BILLING CODE 5000-04-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 100

[CGD 05-95-086]

#### Special Local Regulations for Marine Events; New Year's Eve Fireworks; Delaware River, Philadelphia, PA

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation.

**SUMMARY:** This notice implements 33 CFR 100.509 for the New Year's Eve Fireworks Display. The display will be launched from barges anchored off Penns Landing, Delaware River, Philadelphia, Pennsylvania on December 31, 1995. The regulations in 33 CFR 100.509 are needed to control vessel traffic in the immediate vicinity of the event due to the confined nature of the waterway and expected spectator craft congestion during the event. The regulations restrict general navigation in the area for the safety of life and property on the navigable waters during the event.

**EFFECTIVE DATES:** The regulations in 33 CFR 100.509 are effective from 11 p.m., December 31, 1995 until 1:20 a.m., on January 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** Mr. Stephen Phillips, Chief, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, 431 Crawford

Street, Portsmouth, Virginia 23704-5004 (804) 398-6204, or Commander, Coast Guard Group Philadelphia (215) 271-4825.

*Drafting Information:* The drafters of this notice are QM1 Gregory C. Garrison, project officer, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, and CDR T.R. Cahill, project attorney, Fifth Coast Guard District Legal Staff.

#### Discussion of Regulation

The Philadelphia Convention and Visitors Bureau submitted an application to hold a Neighbors in the New Year fireworks display. The display will be launched from barges anchored off Penns Landing, Delaware River, Philadelphia, Pennsylvania. Since many spectator vessels are expected to be in the area to watch the fireworks, the regulations in 33 CFR 100.509 are being implemented for this event. The fireworks will be launched from within the regulated area. The waterway will be closed during the display. Since the closure will not be for an extended period, commercial traffic should not be severely disrupted.

Dated: December 18, 1995.

W.J. Ecker,

*Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

[FR Doc. 95-31524 Filed 12-28-95; 8:45 am]

BILLING CODE 4910-14-M

#### 33 CFR Part 100, 110, and 117

[CGD 05-95-085]

#### Special Local Regulations for Marine Events; New Year's Eve Celebration Fireworks; Norfolk Harbor, Elizabeth River, Norfolk and Portsmouth, VA

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation.

**SUMMARY:** This notice announces that 33 CFR 100.501 is in effect for the New Year's Eve Celebration Fireworks Display, an annual event held on December 31, 1995 and January 1, 1996. This regulation is necessary to control vessel traffic within the immediate vicinity of the event due to the confined nature of the waterway and the expected congestion at the time of the event. The regulations restrict general navigation in the area to provide for the safety of life and property on the navigable waters during the event.

**EFFECTIVE DATES:** These regulations are effective from 11 p.m., December 31, 1995 until 1:30 a.m., January 1, 1996. If inclement weather causes the postponement of the event, the regulations are effective from 6:30 p.m. until 8:30 p.m., on January 1, 1996.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Stephen Phillips, Chief, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004 (804) 398-6204.

#### SUPPLEMENTARY INFORMATION:

*Drafting Information:* The drafters of this notice are QM1 Gregory C. Garrison, project officer, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, and CDR T.R. Cahill, project attorney, Fifth Coast Guard District Legal Staff.

#### Discussion of Rule

On December 31, 1995 and January 1, 1996, Norfolk Festevents, Ltd. will sponsor a New Year's Eve Celebration. As part of the celebration, a fireworks display will be launched from barges anchored in the Elizabeth River off Town Point Park. A large number of spectator vessels are expected. Therefore, to ensure safety of both participants and spectators, 33 CFR 100.501 will be in effect for the duration of the event. Under the provisions of 33 CFR 100.501, a vessel may not enter the regulated area unless it is registered as a participant with the event sponsor or it receives permission from the Coast Guard patrol commander. These restrictions will be in effect for a limited period and should not result in significant disruption of maritime traffic.

Additionally, 33 CFR 110.72aa and 33 CFR 117.1007(b) will be in effect while 33 CFR 100.501 is in effect. Section 110.72aa establishes special anchorages which may be used by spectator craft. Section 117.1007(b) provides that the draw of the Berkley Bridge shall remain closed from one hour prior to the scheduled event until one hour after the scheduled event unless the Coast Guard patrol commander allows it to be opened for passage of commercial traffic.

Dated: December 18, 1995.

W. J. Ecker,

*Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

[FR Doc. 95-31525 Filed 12-28-95; 8:45 am]

BILLING CODE 4910-14-M

#### 33 CFR Part 165

[COTP Philadelphia, PA 95-087]

RIN 2115-AA97

#### Safety Zone Regulations: New Years Eve Fireworks: Delaware River, Philadelphia, PA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.